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April 19, 2001

VIA HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED

EX PARTE

APR 19 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
EX PARTE OR LATE FILED

Re: Ex Parte Communication in ET Docket No. 98-206; RM-9147; RM-9245; Applications of Broadwave USA et al., PDC Broadband Corporation, and Satellite Receivers, Ltd., to provide a fixed service in the 12.2-12.7 GHz Band; Requests of Broadwave USA et al. (DA 99-494), PDC Broadband Corporation (DA 00-1841), and Satellite Receivers, Ltd. (DA 00-2134) for Waiver of Part 101 Rules.

Dear Ms. Salas,

On April 18, 2001, Sophia Collier and Antoinette Cook Bush of Northpoint Technology, Ltd. ("Northpoint") spoke separately by telephone with the following Commission officials: Jane Mago and David Senzil of the Office of the General Counsel; Peter Tenhula of the Office of Chairman Powell; Mark Schneider of the Office of Commissioner Susan Ness; Brian Tramont of the Office of Commissioner Furchtgott-Roth; and Jennifer Gilsenan of the International Bureau.

The purpose of these calls was to oppose the request of PDC Broadband Corp. ("Pegasus") for the FCC to accept a license in some allegedly proprietary technology Pegasus claims to possess. Northpoint stated that there is no legitimate basis for the FCC to take such a license. Pegasus not only lacks any patents on its supposed technology that might form the basis for a license agreement, but also fails to provide any actual technology either to the FCC or to the MITRE Corporation for testing in connection with the above-referenced proceedings, thus obviating any need for the Commission to take a license.

The information for which Pegasus claims the FCC needs a license was provided to MITRE on February 1, 2001, over a month before Pegasus submitted its request that the FCC take a license in its technology. In fact, the draft Pegasus license is dated March

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Ms. Magalie Roman Salas
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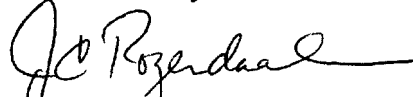
of 2001, at least a month after the written material was provided. Furthermore, Pegasus subsequently placed the material in the public record at the FCC, effectively waiving any argument that the material represents a trade secret or other proprietary information.

Northpoint and hundreds of other applicants before the Commission have provided thousands of pages of information on their respective technologies to the FCC without seeking that the FCC license the material in order to review it. It would be an extremely poor precedent for the FCC to allow applicants to hold up Commission proceedings while they dicker with the Commission over licensing written disclosures. The FCC has a process for handling confidential material that should be sufficient to protect any legitimate confidentiality concerns that Pegasus may have.

Northpoint asked the FCC to license its technology only when the FCC sought to have MITRE actually use Northpoint's patented technology. In contrast, Pegasus has not provided any actual technology to be used – only a paper description that is now a part of the public record. Therefore, there is nothing to be licensed.

Eighteen copies of this letter are enclosed – two for inclusion in each of the above-referenced files. Please contact me if you have any questions.

Yours sincerely,



J.C. Rozendaal

cc: Ms. Jane E. Mago
Mr. David Senzil
Mr. Peter Tenhula
Mr. Brian Tramont
Mr. Mark Schneider
Ms. Jennifer Gilsenan

CERTIFICATE OF SERVICE

I, Shannon Thrash, hereby certify that on this 19th day of April, 2001, copies of the foregoing were served by hand delivery* or first class United States mail, postage prepaid, on the following:

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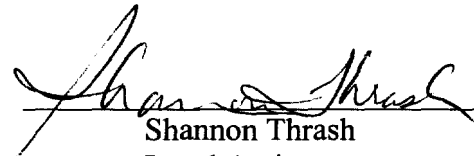
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